
Appeal Decision

Site visit made on 30 September 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/F5540/Z/19/3233607

3 Great West Road, Brentford W4 5QJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') against a refusal to grant express consent.
 - The appeal is made by Mr Don Lambressa of Mass Media Advertising Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00505/3/AD16, dated 30 March 2019, was refused by notice dated 24 May 2019.
 - The advertisement proposed is two 7.5m x 3.5m LED advertising hoardings on the roof of 3 Great West Road.
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Decision

1. The appeal is allowed and express consent is granted for two 7.5m x 3.5m LED advertising hoardings on the roof of 3 Great West Road as applied for. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and to the following conditions:
 - (6) The intensity of the illumination of the signs shall not exceed 600cd/m² in daytime hours or 300cd/m² during the hours of darkness, as those terms are defined by the Road Vehicles Lighting Regulations 1989 (as amended) or any successor Regulations;
 - (7) The signs shall be fitted with a light intensity monitoring sensor to ensure the illuminance intensity is dimmable to take account of ambient light conditions and comply with the maximum recommended lighting intensity;
 - (8) The signs shall not display any moving, or apparently moving, images;
 - (9) Any change in advertisement display shall be instantaneous;
 - (10) The advertisements displayed shall not change more frequently than once every 30 seconds; and
 - (11) In the event of any display defect, malfunction or error the signs shall each be turned off until rectified.

Procedural Matters

2. The application form described the proposal as the retention of the two advertising hoardings, which are said to have been *in situ* since 2015. The

Council's decision notice described the proposal as seeking a ten year consent, an issue I will deal with in the conditions section below.

Main Issue

3. The main issue in the appeal is the effect of the advertising hoardings on the visual amenity of the area.

Reasons

4. 3 Great West Road lies to the south side of the M4 and the Great West Road and to the west of the Chiswick Roundabout, beyond a petrol filling station. It is a 4 storey building that currently appears to be in disuse. The advertising hoardings are sited on the roof of the building, symmetrically at angles in a wide 'V' shape visible principally to drivers on each carriageway of the M4. I am informed that the hoardings are larger replacements for earlier hoardings permitted on appeal in 2011, continuing a history of advertising hoardings to the roof of the building dating since 2001.
5. A number of other advertisements exist in the vicinity. Two large hoardings are mounted from the Chiswick Roundabout to provide displays to drivers on the M4. A further stand-alone display is sited to the north west, to the north of the M4. Car showrooms to the west contain conspicuous displays, and overall the immediate context is an active commercial transport corridor containing a number of advertising displays.
6. The property lies close to the Wellesley Road Conservation Area, which lies mainly to the south and east of the appeal site. The nearby Gunnersbury Park, a Grade II* Listed Park and Garden, is also a Conservation Area (and Metropolitan Open Land) and contains two Grade II Listed Buildings, West Lodge and the Gothic Boathouse and Pavilion, towards its southern boundary. The appellant accepts that the appeal proposal lies within the setting of all of these heritage assets.
7. The hoardings measure 3.5m high by 7m wide, replacing smaller hoardings. The stated luminance levels are 1000cd/m² during daylight hours and 300cd/m² in darkness, in contrast to the former hoardings whose luminance is said to have been 600cd/m². The frequency of image changes has increased significantly, from once every 24 hours to every 10 seconds.
8. The Wellesley Road Conservation Area appraisal has as an aspiration the removal of inappropriate advertisement hoardings within the Conservation Area. From the Conservation Area, the hoardings are visible mainly to the rear, with an oblique view obtained from Clarence Road. The hoardings here appear in the context of a large building to the south currently under construction, and the elevated M4 to the north and west. The hoardings clearly project above the height of the existing roof (with a lift shaft above) of the building but, in their context, they do not appear unacceptably dominant or obtrusive and do not unbalance the building to an unsatisfactory degree. I do not find that residential areas or the Wellesley Road Conservation Area would be harmed by their retention, sited as they are in an area of different character from the Conservation Area itself and in the context of the transport corridor and other commercial developments nearby.
9. The hoardings, and the internally illuminated advertisement displays, are also visible from Gunnersbury Park, especially the Kensington Cemetery within it,

although these are principally glimpsed views amongst the generous tree cover. The elevated transport corridor of the M4 provides a distinctive barrier between the Park and the appeal site, with a considerable separation distance. Subject to the conditions I discuss below, I consider that there is a sufficient distance, and appreciation of the different context, from the advertisements from Gunnersbury Park, for their resulting impact to be negligibly different from the previous hoardings and not to adversely affect the setting of these heritage assets.

Conditions

10. The appellant seeks a consent for 10 years, but has indicated a willingness to accept a 5 year consent. In view of the consultation response from Highways England it is appropriate to apply the standard time limit of Regulation 14, thus requiring no specific condition.
11. Hounslow Highways have requested a report from a qualified lighting engineer to demonstrate that drivers will not be distracted by the LED rooftop lighting. However, the possible impact on users of the local highway network is not explained. In the absence of any similar request from Highways England (responsible for the strategic road network including the M4 from which the advertisements are mainly visible) I cannot agree that this is necessary.
12. Highways England have requested that the intensity of the illumination shall not exceed 300cd/m² at any time, but there is no explanation as to why the intensity requires a reduction over that previously permitted. I shall therefore impose a condition limiting the intensity to 600cd/m² during the daytime, reflecting what I understand to be the position on the previous consent, but requiring a reduction to 300cd/m² after dusk and at all times to require a monitoring sensor as sought by Highways England. The advertisements are somewhat larger than those previously permitted and these conditions are necessary in the interests of both amenity, in particular to avoid intrusive impacts onto users of Gunnersbury Park, and the public safety of M4 highway users.
13. Conditions prohibiting moving images, controlling the frequency of transitions, and requiring any transitions to be instantaneous rather than faded are requested by Highways England, and these appear to me to be necessary and appropriate for public safety reasons. Highways England also request a condition requiring any advertisements to follow the principles of the Traffic Signs Regulations and General Directions. However, in the absence of any further explanation, and given the requirements of the Regulations to avoid obscuring or hindering the interpretation of traffic signs, I am not satisfied that further control is necessary.
14. The appellant has also offered to accept a planning condition giving advertising time to the Council. It has not been explained why such a condition would be conducive to amenity or public safety, or any other planning purpose, and so I decline to impose such a condition but leave this for discussion between the parties to the appeal.
15. Finally, the Council has adverted to the low quality of the images on the signs. I did not consider this generally to be the case during my site visit, but the pixellation of the upper left hand side of the display was defective and I accept that this in itself could be distracting. I therefore impose a further condition

requiring the signs to be switched off in the event of any defect, pending rectification.

Conclusion

16. Subject to the imposition of the additional conditions set out above, the proposal is acceptable in the interests of visual amenity and public safety, and the appeal is allowed.

Laura Renaudon

INSPECTOR